court. No such reason, he says, demands control of an injunction, which operates *in personam.* In proper cases it would not infringe any rights represented by the receiver, and a state court is as competent to pass on the propriety of it as a federal court Mr. Coutts admits, however, that the three state court decisions in favor of his view do not give the subject the consideration it deserves. A Michigan case is opposed, and it may well be doubted if the Supreme Court of the United States will decide that the act was intended to give such power.

FOREIGN JUDGMENTS AS EVIDENCE OF THE RIGHTS FOUNDED UPON THEM. — A recent article in the Columbia Law Review contains a concise and scholarly summary of a large subject. *History of the Adoption of Section I. of Article IV. of the United States Constitution and a Consideration of the Effect on Judgments of that Section and of Federal Legislation*, by George P. Costigan, Jr., 4 Columbia L. Rev. 470 (Nov. 1904). That well-known section, enlarging upon a provision in the Articles of Confederation, provides that "full faith and credit" shall be given in each state to the public acts, records, and judicial proceedings of every other state, and that Congress shall prescribe the method of proof and the effect thereof. Congress at once exceeded the authority here given by exercising, in connection with it, the right given by the Constitution to legislate in aid of the general judicial power. For the acts of 1790 and of 1804, since incorporated in the Revised Statutes (sec. 905), gave to judgments by courts of the territories and possessions, as well as of the states, "full faith and credit" in every court "within the United States." Mr. Costigan notes that judicial legislation completed the circle by securing a like recognition throughout the land for judgments of the federal courts.

While most foreign judgments seem to have been merely *prima facie* evidence of matters properly adjudicated, the Constitution made sister-state judgments conclusive evidence, open only to the defense of lack of jurisdiction and to such other defenses as could be brought against them where they were rendered. The writer believes that the constitutional provision is self-executing without the statutes, and that, upon a demurrer to a complaint which alleges a sister-state judgment but does not authenticate it as required by statute, the question may yet come before the Supreme Court. Other points discussed are the application of those enactments to judgments of justices of the peace and to state judgments sued upon in courts of the Philippine Islands, for example, which are perhaps not literally "within the United States."

In contrasting the treatment of foreign and of sister-state judgments Mr. Costigan seems to take a position regarding comity that may be open to misunderstanding. Citing Hilton *v.* Guyot (159 U. S. 113), he says that "what comity sustains, unfriendliness can take away," and that "comity does not require us to do more by others than they do by us." It seems the better opinion that the admission to-day of many foreign judgments as conclusive evidence is based not upon curtesy but upon law justified by our own convenience. DICEY, CONFLICT OF LAWS 10. Since the business of the courts is merely to enforce the common law of which comity has thus become a recognized part, they may have no regard for their own kindly or unkindly feelings toward a foreign state. *The Nereide*, 9 Cranch (U. S.) 388, 422. It is only by legislation that foreign judgments may be deprived of the right they now enjoy under the principle of comity.

RESCISSION BY PAROL AGREEMENT. — The same number of the Columbia Law Review contains an instructive article in text-book style by Professor Williston. *Rescission by Parol Agreement*, 4 Columbia L. Rev. 455. The discussion is concerned with the incidents and effect of a parol agreement to rescind, and is based on the proposition that such an agreement, in order to